

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
(Richmond Division)**

**WILLIE E. JOHNSON,**

**Plaintiff,**

**v.**

**EXPERIAN INFORMATION  
SOLUTIONS, INC., *et al.***

**Defendants.**

**Case No. 3:24-cv-598**

**DEFENDANT CAPITAL ONE, N.A.’S CONSENT MOTION FOR EXTENSION OF  
TIME TO RESPOND TO COMPLAINT**

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and Local Civil Rule 7, Defendant Capital One, N.A.<sup>1</sup> (“Capital One”), with the consent of counsel for Plaintiff Willie E. Johnson (“Plaintiff”), requests that the Court enter an order extending the time by which Capital One must respond to Plaintiff’s Complaint up through and including October 29, 2024. In support of this Motion, Capital One states as follows:

1. Plaintiff filed his Complaint on August 22, 2024. (ECF No. 1).
2. Capital One was served on September 17, 2024.
3. Capital One’s current deadline to respond to Plaintiffs’ Complaint is October 8, 2024.

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<sup>1</sup> On October 1, 2022, Capital One Financial Corporation completed the merger of its wholly-owned subsidiary Capital One Bank (USA), National Association with and into Capital One, National Association, a wholly-owned subsidiary of Capital One Financial Corporation, with Capital One, N.A. as the surviving entity. Accordingly, Capital One, N.A. is the true party in interest. See Capital One Financial Corporation, Form 10-Q (May 5, 2023), available at <https://www.sec.gov/Archives/edgar/data/927628/000092762823000168/cof-20230331.htm>.

4. Capital One recently retained undersigned counsel to represent Capital One in this matter. Undersigned counsel is currently analyzing the facts and claims alleged in Plaintiff's Complaint.

5. Accordingly, Capital One requires a modest extension of time to complete its analysis and respond to Plaintiff's Complaint.

6. Capital One respectfully requests an extension up to and including October 29, 2024, to respond to Plaintiff's Complaint.

7. This motion is timely, as it is filed before the original deadline for Capital One to respond.

8. This motion is filed for good cause, and not for delay or any other improper purpose.

9. Counsel for Capital One conferred with Plaintiff's counsel on October 3, 2024, concerning the extension requested by this motion. Plaintiff does not oppose the requested extension.

Wherefore, Capital One requests an extension of time through and including October 29, 2024, for Capital One to respond to Plaintiff's Complaint.

Dated: October 7, 2024

Respectfully submitted,

**CAPITAL ONE, N.A.**

/s/ Bryan A. Fratkin  
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*Counsel for Defendant Capital One, N.A.*

**CERTIFICATE OF SERVICE**

I hereby certify that on October 7, 2024, a copy of the foregoing was filed electronically using the CM/ECF system, which shall send a copy of such filing to all counsel of record.

*/s/ Bryan A. Fratkin*  
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